IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 518 of 2006

Anuj @ Bobby S/o Chandra Pal Singh
R/o Khera Jat
P.S. Manglaur
District Haridwar ... Applicant

Vs

1. State of Uttaranchal through
   Secretary (Home), Dehradun
2. Sushil Kumar S/o Jai Kumar
   R/o Village Khera Jat
   P.S. Manglaur, District Haridwar ... Opp. Parties

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed for quashing the proceedings of Case No. 431 of 2006 State Vs Anuj @ Bobby under Section 364 I.P.C. pending in the court of 1st Additional Judicial Magistrate (J.D) Roorkee, District Haridwar.

2. Heard Sri Amish Tiwari, learned counsel for the petitioner, learned A.G.A. and perused the record.

3. Learned counsel for the petitioner has argued that in this case the investigation started and the Investigating Officer came to the conclusion that there is no role of the applicant but subsequently when the matter was again reinvestigated the chargesheet has been submitted against the applicant without having any sufficient evidence against him.

4. Having considered the arguments advanced by the learned counsel for the petitioner, I am not suppose to embark upon an enquiry with regard to the assessment of the evidence at this stage. The evidence against the applicant is still to be adduced before the trial judge and it will be for the trial court

to decide whether the applicant has any participation in the alleged crime or not.

5. At this stage the evidence is incomplete and hazy, therefore, while exercising the jurisdiction under Section 482 Cr.P.C. I find myself unable to reach to a definite conclusion with regard to the actual participation of the applicant in the commission of the crime.

6. In view of the above, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition filed under Section 482 Cr.P.C. is dismissed.

8. However, in case, if the applicant appears before the court for seeking his bail, the court concerned shall expedite the disposal of his bail application.

(B.C. Kandpal, J.)

11.07.2006
ASWAL